

IN THE UNITED STATE DISTRICT COURT
FOR THE District of Okla.

EZEKIEL DAVIS,
Plaintiff,

FILED

JUL 18 2019

CASE No. CIV-17-093 JHP
SPS

v.
CORE CIVIC et al.,
Defendants.

By PATRICK KEANEY
Clerk, U.S. District Court
Deputy Clerk

DECLARATION IN SUPPORT OF PLAINTIFF'S
MOTION FOR THE APPOINTMENT OF COUNSEL

EZEKIEL DAVIS STATES:

1.) I AM the plaintiff in the ABOVE STYLED CASE. I MAKE this declaration in support of my motion for this appointment of counsel.

2.) THE COMPLAINT in this CASE ALLEGES that I WAS DENIED ADEQUATE MEDICAL CARE, AND DENIED ACCESS to the COURT when I WAS impeded from the GRIEVANCE PROCESS RETALIATED AGAINST by ERRONEOUSLY BEING PLACED ON GRIEVANCE RESTRICTION, than when I ATTEMPTED to comply with the RESTRICTION DEFENDANTS REFUSE to follow OSOC Policy, OP-030115 (1)(A)(i). CONT. NEXT PAGE

PURSUANT to 28 U.S.C. SEC. 1746, I DECLARE UNDER PENALTY of perjury the foregoing is TRUE AND CORRECT. 7-8-19
Ezekiel Davis DATE: 6-19-19

Cont No. 2

2) Plaintiff has outlined SERIAL policies that private prisons didn't follow, this evidence is MATERIAL to my claims AND defenses.

3) I was diagnosed Nov. 29, 2016 with "LUMBAR AND CERVICAL DEGENERATIVE DISC DISEASE with probable SPINAL STENOSIS AND RADICULOPATHY"; while at the LAWTON CORRECTIONAL FACILITY OWNED by the private prison GEO GRP. CORR. INC., I WAS TRANSFERRED to the DAVIS CORRECTIONAL FACILITY (DCF) WHERE I WAS IMMEDIATELY PLACED ON GRIEVANCE RESTRICTION IN RETALIATION FOR ASSERTING my NEED FOR CONTINUITY OF CARE.

4) While at DCF I WAS NEVER SEEN by a qualified physician to ASSESS which DISC ARE DETERIORATING THE SEVERITY of my SPINAL STENOSIS AND the EXTENT of my RADICULOPATHY HAS GONE UNDETERMINED.

DEFENDANTS HAVE SHOWN DELIBERATE INDIFFERENCE to my SERIOUS MEDICAL NEEDS, AND HAVE ACTED WITH MALICE WHEN THEY TOOK ADVERSE ACTIONS...

CONT. NEXT PAGE

Pursuant to 28 U.S.C. SEC. 1746, I DECLARE UNDER PENALTY of perjury that the foregoing is TRUE AND CORRECT.

Ezekiel ⁷⁻⁸⁻¹⁹ DATE: 6-17-19

Cont. No. 4

4.) by not providing me with assistance to correct my affidavits while on grievance restriction, this adverse action impeded me from the grievance process design to deny me access to the Court, so they could claim to have an affirmative defense.

5.) The Defendants in DAVIS v. CORE CIVIC, et al., CIV-17-292-JHP-SPS, submitted two (2) affidavits in the Special Report, by Defendants JAMES VATES DCF WARDEN AND WILLA BURNLEY, LAW LIBRARY SUPERVISOR testified that a "MEMORANDUM" was created that allow DCF as a "private for profit prison" to implement two (2) ODOC policies that "differ slightly" than at a state run prison.
SEE: Special Report at 40-1; 40-2.

6.) This is a complex case because it contains several different claims with legally supports a systematic conspiracy against the plaintiff and if not against Plaintiff than it must be inferred that the changes in policies where intended to affect large numbers of inmates housed in "private for profit prisons" to deny them access to the court and adequate medical care for their serious medical needs, or I have been treated differently.

Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct.

Ezekiel Davis

7-8-19
DATE: 6-17-19

- 7.) THE PLAINTIFF HAS DEMAND A JURY TRIAL.
 - 8.) THE CASE INVOLVE MEDICAL ISSUES THAT MAY REQUIRE EXPERT TESTIMONY TO EXPLAIN THE MRI FROM A UNBIAS PERSPECTIVES
 - 9.) THE CASE WILL REQUIRE DISCOVERY OF DOCUMENTS THAT PLAINTIFF AS A PRISONER WOULD NOT BE ABLE TO SEE, AND THERE WILL NEED TO BE DEPOSITIONS OF A NUMBER OF DEFENDANTS AND OTHER SUCH WITNESSES AS MAYBE DISCOVERED.
 - 10.) THE TESTIMONY WILL BE IN SHARP CONFLICT, SINCE THE PLAINTIFF ALLEGES THAT THE DEFENDANTS HAVE ENGAGED IN A CRIM CONSPIRACY AGAINST THE PLAINTIFF BY RETALIATING TO SILENCE ME FROM THE ADDRESS OF MY GRIEVANCE - TO DENY ME ACCESS TO THE COURT, MEDICAL CARE AND THE EQUAL PROTECTION OF THE LAW.
 - 11.) PLAINTIFF HAS ONLY A GEO OBTAINED WHILE HE HAS BEEN IN PRISON FOR 29+ YEARS.
 - 12.) PLAINTIFF IS AT A SUPER MAXIMUM PRISON WHERE HE HAS LIMITED ACCESS TO THE LAW LIBRARY WHICH REQUIRE ME TO USE A COMPUTER WHILE IN A CAGE THAT BLOCK THE VIEW OF THE COMPUTER WHETHER PLAINTIFF IS SITTING OR STANDING AND WITH PLAINTIFF SPINAL CONDITION IT'S DIFFICULT TO DO BOTH. PLAINTIFF IS IN PAIN EVERY DAY AND NIGHT FROM HIS SPINAL CONDITION THAT HAS GONE UNTREATED SINCE NOV. 2016.
- PURSUANT TO 28 U.S.C. 1746, I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

Ezekiel Davis DATE: 7-8-19
6-17-19

13.) As set forth in the Memorandum of Law submitted with this motion, these facts, along with the legal merits of plaintiff's claims, support the appointment of counsel to present the plaintiff.

The Defendants has perjured themselves by attempting to present two (2) affidavits made on personal knowledge claiming that ODOC General Counsel, DCF Law Library and Core Civic headquarters created a "Memorandum" that allow DCF to implement two (2) policies that "differ slight", than claimed that the "differences" were reviewed and approved / endorsed by ODOC. SEE: SPECIAL REPORT 40-1; 40-2 IN ODOC POLICIES UNDER "ACTION" it states that the ODOC General Counsel is responsible for the annual review and revisions of policies and that ANY exceptions including policies that has been altered with a "Memorandum will require prior written approval from the agency director.

The Defendants perjured themselves before this Court than to compound the insist committed fraud on this Honorable Court by asserting a "Notice" was the memorandum in question, this is factually untrue and creates a material fact in dispute and a genuine issue of material fact exist barring ANY defense that the Defendants could assert.

Defendants have been allowed to violate their contractual agreement with the State, pursuant to Ok. St. Tit. 57 Sec. 561; 561.3 Pursuant to 28 U.S.C. Sec. 1746. I declare under penalty of perjury that the foregoing is true and correct.

Ezekiel Davis

7-8-19
DATE: 6-17-19

Certificate of Service

I hereby certify that on ⁷⁻⁸⁻¹⁹~~to 17-19~~ I served a true and correct copy of "Memorandum of Law In Support of Plaintiff's Motion For Appointment of Counsel," postage per paid, Plaintiff is requesting that the Clerk of Court electronically transmit the attached document to the ECF registrants in this case;

DARRELL L. MOORE ——— darrellmoore@jralphmoorepc.com.
Julia L. Neftzger ——— neftzger@jralphmoorepc.com
JESSICA L. DARK ——— jdark@piercecouch.com
Michael J. Heron ——— mheron@hflaw.com.
Russell L. Hendrickson ——— rhendrickson@piercecouch.com

Ezekiel Davis